

IN THE U.S. DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

APRIL BAYLIS,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C. A. No. 04-1462-KAJ
	:	
RED LION GROUP, INC., a corporation of	:	
the State of Pennsylvania,	:	
	:	
Defendant.	:	

**APPENDIX TO DEFENDANT'S REPLY BRIEF IN  
SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

/s/ Norman H Brooks, Jr.,  
Norman H. Brooks, Jr., Esquire (No. 2568)  
Marks, O'Neill, O'Brien & Courtney, P.C.  
913 North Market Street, #800  
Wilmington, DE 19801  
(302) 658-6538  
*Attorney for Defendant*

DATED: September 9, 2005

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# RED LION GROUP INC.

Diversified Technologies for Fire, Security and Communications - Since 1920

November 25, 2002

Honeywell  
6100 Philadelphia Pike  
Claymont, DE 19703

Attention: Russell W. Davis, CHMM

Reference: INCIDENT REPORT DATED NOVEMBER 20, 2002

Dear Mr. Davis;

We are enclosing an M.S.D.S. for the carbon dioxide (CO2) portable fire extinguisher mentioned in your report.

This was a 5 lb. CO2 extinguisher manufactured by Fyr-Fyter 1968. The serial number is M-231123. This extinguisher was hydro-tested in March of 2002.

We discharged, recharged and discharge a second time the extinguisher returned to us with the "DANGER" tag attached.

There was no evidence of leakage of any kind with this extinguisher.

If you have any questions or concerns please do not hesitate to contact me.

Yours truly,

RED LION GROUP INC.

*Elton H. Vincent*

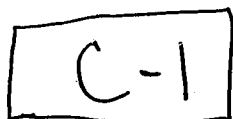
Elton H. Vincent  
Director of Service & Training

EHV/cke

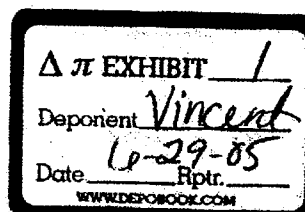
honeywell.exting.msds.ehv.112502



S.O.S. DEFENDER



JAMES M CASTLE



MEI SYSTEMS

500 Red Lion Road, Philadelphia, PA 19115-1198 • 100 Philadelphia Pike, Wilmington, DE 19809-3161  
(215) 676-6100 / FAX (215) 464-0154 • (302) 475-6652 • (302) 762-6770 / FAX (302) 762-6774

Web Site: [www.redliongroup.com](http://www.redliongroup.com)

1 Q. Where was she at that point?

2 A. I believe she was at her  
3 desk in the administration building.

4 Q. Is April Baylis right-handed  
5 or left-handed, if you know?

6 A. I don't know. I'm sorry, I  
7 don't know.

8 Q. When you were performing  
9 your function that morning did you make  
10 any effort to determine whether she was  
11 right-handed or left-handed before you  
12 gave her the training?

13 A. No, sir. That's not a  
14 criteria for the extinguishers.

15 Q. I'm sorry?

16 A. That's not a criteria for  
17 using extinguishers.

18 Q. Would her handedness, that  
19 is, being left-handed or right-handed,  
20 would that make any difference in the  
21 training that she received by you and  
22 Jerry in the pit that morning?

23 A. I don't believe so. The  
24 only thing, it might be a little awkward

1 is pulling the pin. Most pins are on the  
2 left-hand side of the extinguisher. Most  
3 folks are right-handed so when you pick  
4 the unit up in your right hand the pin is  
5 over here on the left side.

6 Q. Why do you say most people  
7 would pick it up with their right hand?

8 A. I say a right-hander would  
9 pick it up with their right hand, pull  
10 the pin with their left hand. If she was  
11 left-handed she'd probably pick it up  
12 with her left-hand, pull it from her  
13 right, but the pin's not over here, it's  
14 over here. So she would almost be forced  
15 to pick it up with her right-hand.

16 Q. Well, do you recall  
17 discussing that with her before she  
18 picked it up?

19 A. No, sir, I don't.

20 Q. Was that part of the  
21 teaching process that morning to  
22 determine if the person was right-handed  
23 or left-handed?

24 A. I don't believe so, no.

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1 A. Yes, she does.

2 Q. Are there any other activities  
3 that you are wholly precluded from doing?

4 A. I can't sweep the floor.

5 Q. And why can't you sweep the  
6 floor?

7 A. Because I can't hold a broom.

8 Q. Are you right-handed or  
9 left-handed?

10 A. Left-handed. But I sweep with  
11 two hands when I used to sweep.

12 Q. Are there any other activities  
13 that you're wholly precluded from doing?

14 A. I can't carry boxes at work.  
15 As my supplies come in in boxes, and I  
16 would carry them from my office to the  
17 supply closet and put them away. Or the  
18 cases of paper are in the closet, and if I  
19 need to put them in the copier, I carry  
20 them from there to the copier. I can't do  
21 that now. I can't get a grip on them.

22 Q. Are there any activities that  
23 you can't do as well as or as long as or to  
24 the same extent you could before --

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1     extinguisher was designed for a  
2     right-handed person?

3             A.       I think it's either/or.     I  
4     mean, because you squeeze the trigger with  
5     one and you sweep with the other one.     So  
6     you're using both hands.

7             Q.       So you pulled the pin with  
8     which hand?

9             A.       Right.

10            Q.       When you pulled the pin with  
11    your right hand, was your left hand holding  
12    the trigger area?

13            A.       I don't think so.

14            Q.       Where was your left hand when  
15    you pulled the pin?

16            A.       When you pull the pin, you  
17    actually have the fire extinguisher sitting  
18    in front of you.     Because they're a little  
19    heavy.     So it's kind of hard to hold them  
20    and pull the pin at the same time, and I  
21    don't think you're supposed to do it that  
22    way, anyway.     I don't remember exactly, but  
23    I think it was sitting down in front of me,  
24    and I would say that my left hand probably

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1 wasn't even on the fire extinguisher at  
2 that time.

3 Q. At what time?

4 A. When I pulled the pin.

5 Q. Well, let's back up. Which  
6 hand did you use to pull the pin?

7 A. My right hand. So I would say  
8 my left hand was not on the fire  
9 extinguisher at all at that time. But  
10 we're talking a matter of seconds.

11 Q. Where is your left hand when  
12 you pulled the pin?

13 A. I -- honestly, I couldn't tell  
14 you. Probably just hanging down to my  
15 side.

16 Q. Are you sure your left hand  
17 wasn't around the trigger area when you  
18 pulled the pin?

19 A. No.

20 Q. When you first put your hand  
21 on the trigger area, what hand did you put  
22 on the trigger?

23 A. My left hand.

24 Q. When you first touched the

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